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PATENT APPLICATION  
ATTORNEY DOCKET NO. 70006210-1

P. 002/023

IN THE  
UNITED STATES PATENT AND TRADEMARK OFFICE

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Inventor(s): Peter Alexander Grossman

Confirmation No.: 2741

Application No.: 09/834,255

Examiner: David A. Amini

Filing Date: April 12, 2001

Group Art Unit: 2672

Title: SYSTEM AND METHOD FOR MANIPULATING AN IMAGE ON A SCREEN

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Alexandria, VA 22313-1450

TRANSMITTAL OF APPEAL BRIEF

Sir:

Transmitted herewith is the Appeal Brief in this application with respect to the Notice of Appeal filed on March 20, 2006.

The fee for filing this Appeal Brief is (37 CFR 1.17(c)) \$500.00.

(complete (a) or (b) as applicable)

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

(a) Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(b)-(d) for the total number of months checked below:

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(b) The extension fee has already been filled in this application.

(b) Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

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Rev 12/04 (ApBrief)

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MAY 22 2006

In Re the Application of:

Inventor(s): Peter Alexander Grossman Confirmation No.: 2741  
Serial No.: 09/834,255 Examiner: Javid A. Amini  
Filed: April 12, 2001 Group Art Unit: 2672  
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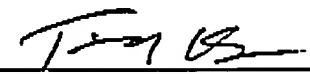
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1 sheet of Transmittal Letter for Appeal Brief (2 copies).  
19 sheets of Appeal Brief including Appendices.

Respectfully submitted,

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May 22, 2006

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**APPEAL BRIEF**

The Appellant respectfully submits this Appeal Brief in response to the Final Official Action mailed on November 25, 2005.

The present Appeal Brief is being filed within two months of the Notice of Appeal filed on March 20, 2006, because May 20, 2006 is a weekend day.

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**PATENT**Atty Docket No.: 70006210-1  
App. Scr. No.: 09/834,255  
Art Unit: 2672**I. INTRODUCTION****A. Real Party in Interest**

The real party in interest with respect to this appeal is the Hewlett-Packard Development Company, the named assignee in this application.

**B. Related Appeals and Interferences**

None.

**C. Status of Claims**

Claims 4, 9, 11-15, 18, and 19 have been canceled without prejudice or disclaimer of the subject matter contained therein.

Claims 1-3, 5-8, 10, 16, and 17 stand rejected.

Pursuant to 37 C.F.R. § 41.37, the Appellant hereby appeals the Examiner's decision finally rejecting Claims 1-3, 5-8, 10, 16, and 17 to the Board of Patent Appeals and Interferences. Therefore, Claims 1-3, 5-8, 10, 16, and 17 of this application are at issue on this appeal.

**D. Status of Amendments**

An amendment to the claims was proposed in an After-Final Amendment filed on January 26, 2006. That amendment to the claims was proposed based upon a suggestion made by the Examiner during a personal interview conducted on January 12, 2006. That amendment to the claims, however, was not entered as noted in the Advisory Action mailed

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on February 9, 2006. Therefore, the claims as amended in the Amendment filed on September 19, 2005 are currently appealed herein.

A copy of the claims at issue on appeal is attached as the Claims Appendix.

## **II. SUMMARY OF CLAIMED SUBJECT MATTER**

Claims 1, 6, 16, and 17 of the present invention are the independent claims at issue in this appeal.

Claim 1 pertains to a system 1 for manipulating an image on a screen 2 (Figure 1). The system 1 includes a touch-sensitive screen 2, which is described in the paragraph beginning on line 23 of page 6 of the *Specification*, for displaying the image. The system 1 also includes a stylus 4 for indicating an image point of the image displayed on the screen 2 by touching the screen 2. The system 1 further includes means for generating the image on the screen 2, in which the means for generating includes a dynamic zoom means for carrying out a zoom action on the image on the screen 2. The means for generating and the dynamic zoom means are depicted in Figure 5 and may be performed by the "PlotView", the "PlotControl", the "PlotEvaluationAlgorithm", and the "Rclation" modules depicted therein and as described on page 11, line 25 to page 13, line 4 of the *Specification*. As also disclosed in that section of the *Specification*, the zoom means detects the image point indicated by the stylus 4 on the screen 2 while the stylus 4 is moved across the screen 2, and repeatedly performs a zoom action on the image on the screen 2 using the detected image point as the center of the zoom action until the stylus 4 is removed from the screen 2, to thereby once continuously enlarge and reduce the image as the stylus 4 is moved across the screen 2 with the center of the zoom action following the movement of the stylus 4. The repeated zoom

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action performed on the screen 2 is also described on page 7, line 16, to page 8, line 9 of the *Specification*.

Claim 6 pertains to a method of manipulating an image on a touch-sensitive screen 2 using a stylus 4, which is depicted in Figure 4 and described on page 10, line 4 to page 11, line 23 of the *Specification*. In the method, the image is displayed on the screen 2 (Figure 1) and an instruction to perform a zoom action on the image is detected (decision step in Figure 4). The instruction to perform a zoom action may be detected through selection of an icon 6a, 6b as discussed on page 7, lines 9-15 of the *Specification*. The method also includes detection of a point of contact of the stylus 4 on the screen 2 as said stylus 4 is moved across said screen 2 (S30, Figure 4). The method further includes setting a center of the zoom action at the detected point of contact of the stylus 4 as the stylus 4 is moved across the screen 2, and performing the zoom action on the image on the screen 2 using the set center of zoom. See *Specification*, page 7, line 17 to page 8, line 9. In addition, the zoom action is repeated until it is detected that the stylus 4 has been removed from contact with the screen 2, thereby one of continuously enlarging and reducing the image as the stylus 4 is moved across the screen 2 with the center of the zoom action following the movement of the stylus 4. See *Specification*, page 7, lines 22-30.

Claim 16 pertains to a system 1 for manipulating an image on a screen 2 (Figure 1). The system 1 includes a touch-sensitive screen 2, which is described in the paragraph beginning on page 6, line 23 of the *Specification*, for displaying the image. The system 1 also includes a stylus 4 for indicating an image point on the screen 2 by touching the screen 2. The system 1 further includes means for generating the image on the screen 2, in which the means for generating includes a zoom means for carrying out a zoom action on the image on

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the screen 2, in which the zoom means detects the image point indicated by the stylus 4 on the screen 2, and repeatedly performs a zoom action on the image on the screen 2 using the detected image point as the center of the zoom action. The means for generating and the zoom means are depicted in Figure 5 and may be performed by the "PlotView", the "PlotControl", the "PlotEvaluationAlgorithm", and the "Relation" modules depicted therein and as described on page 11, line 25 to page 13, line 4 of the *Specification*. As also disclosed in that section of the *Specification*, the zoom means continually monitors the position of the stylus 4 on the screen 2, and wherein, on movement of the stylus 4 across the screen 2, the zoom means alters the center of the zoom action so that the center of the zoom action follows the movement of the stylus 4 to thereby one of continuously enlarge and reduce the image as the stylus 4 is moved across the screen with the center of the zoom action following the movement of the stylus 4. The continuous enlargement or reduction of the image performed on the screen 2 is also described on page 7, line 16 to page 8, line 9 of the *Specification*.

Claim 17 pertains to a method of manipulating an image on a touch-sensitive screen 2 using a stylus 4, which is depicted in Figure 4 and described on page 10, line 4 to page 11, line 23 of the *Specification*. In the method, the image is displayed on the screen 2 (Figure 1) and an instruction to perform a zoom action on the image is detected. The instruction to perform a zoom action may be detected through selection of an icon 6a, 6b as discussed on page 7, lines 9-15 of the *Specification*. The method also includes detection of a point of contact of the stylus 4 on the screen 2 (S30, Figure 4). The method further includes setting a center of the zoom action at the detected point of contact of the stylus 4 on the screen 2, and performing the zoom action on the image on the screen 2 using the set center of zoom. See *Specification*, page 7, line 17-page 8, line 9. In addition, the stylus 4 is moved across the

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screen 2 while maintaining contact between the stylus 4 and the screen 2, thereby changing the position of the point of contact on the screen 2 (Figure 1). The method further includes moving the center of the zoom action in accordance with the movement of the stylus 4 across said screen 2 thereby one of continuously enlarging and reducing the image as the stylus 4 is moved across the screen 2 with the center of the zoom action following the movement of the stylus 4. The continuous enlargement or reduction of the image performed on the screen 2 is also described in line 16, page 7 to line 9, page 8 of the *Specification*.

**III. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL**

Whether Claims 1-3, 5-8, 10, 16, and 17 are unpatentable under 35 U.S.C. § 103(a) over U.S. Patent No. 5,602,870 to Hailey et al. in view of U.S. Patent No. 4,899,292 to Montagna et al.

**IV. ARGUMENT****A. The Examiner's Position**

With reference to the Final Official Action dated November 25, 2005, the Examiner is of the opinion that the combination of U.S. Patent No. 5,602,870 to Hailey et al. (herein after "Hailey et al.") and U.S. Patent No. 4,899,292 to Montagna et al. (herein after "Montagna et al.") discloses all of the features claimed in Claims 1-3, 5-8, 10, 16, and 17 of the present invention, and that these claims are therefore unpatentable over the combined disclosures of Hailey et al. and Montagna et al.

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In setting forth this rejection, the Examiner asserts that Figure 2 of Hailey et al. illustrates a system for manipulating an image on a screen. Although the Examiner does not explicitly state that Hailey et al. discloses all of the features claimed in Claims 1-3, 5-8, 10 16, and 17, the Examiner does indicate that Hailey et al. fails to disclose "the following claim limitations for a touch-sensitive screen and a stylus for indicating an image on screen...". *Official Action* dated November 25, 2005, page 3. "The following claim limitations" appears to be directed to the touch-sensitive screen and the stylus for indicating an image on a screen, because the Examiner states that "Montagna in figs. 9-10 illustrates if the user touches screen over a portion of graphic image that is zoomed in or enlarged by a factor..."

The Examiner also states that "Applicant claims continuously enlarge and reduce the image, but Applicant does not claim by what factor. Examiner's interpretation: the factors can be implemented as 1:2, 1:4, or 1:5 and vice versa. The process of e.g. 1:5 factor can be corresponded to continuously enlarge".

The Examiner further asserts that "means for generating including a dynamic zoom means for carrying out a zoom action on said image on said screen" is disclosed in column 2, lines 39-42 of Hailey et al. More particularly, the Examiner concludes that Hailey et al. discloses a "dynamic zoom sequence" because "[it] is necessary to design a filter set so that the cut-off frequency of some or all of the filters within the set is spaced logarithmically in order to minimize perceptible changes in sharpness which may result from the use of a discrete filter set."

The Examiner concludes that "it would have been obvious to a person skill in the art to incorporate the digital image processing of Hailey with Montagna's systems, which enlarged and centered about a desired point in the graphic image using wand or stylus, and

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this modification of Montagna into Hailey would provide a user to perform a dynamic zooming on an image, and Hailey provides an example: for a 2:1 zoom ratio is given in fig. 3."

The Examiner further provides a discussion of lines A, B and C depicted in Figure 3 of Hailey et al. on page 3, penultimate line to page 4, line 11 of the *Official Action* dated November 25, 2005. The purpose of this discussion is unclear to the Appellant.

The Examiner, moreover, asserts that column 3, lines 10-16 of Hailey et al. discloses that "the center of zoom action follows the movement of stylus" as claimed in Claims 16 and 17. The Examiner, more particularly, asserts that "[i]t is known to use a telecine (Telecine is the process of transferring motion picture film to a video format) film scanner for scanning image pixel areas on motion picture film to produce image pixel data corresponding to those image pixel areas. Size alteration effected by vertical and/or horizontal enlargement or expansion will be called zooming and orientation alteration effected by side-to-side or up and down movement will be called panning." *Official Action* dated November 25, 2005, page 4, lines 11-18.

#### B. Discussion of the Law

The test for determining if a claim is rendered obvious by one or more references for purposes of a rejection under 35 U.S.C. § 103 is set forth in MPEP § 706.02(j):

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim